

May 17, 2005

H. Shamkhani
Vice President, Logistics and Engineering Services
Duratek Services Inc.
140 Stoneridge Drive
Columbia, SC 29210

SUBJECT: NRC APPROVAL OF DURATEK SERVICES INC. REQUEST FOR
WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE FOR
LA CROSSE BOILING WATER REACTOR (TAC L60560)

Dear Mr. Shamkhani:

By letter dated April 27, 2005, Dairyland Power Cooperative (DPC) submitted a request for a meeting with U.S. Nuclear Regulatory Commission (NRC) staff to discuss an alternative developed by its contractor [Duratek Services Inc. (Duratek)], concerning decommissioning of the La Crosse Boiling Water Reactor. DPC also requested that the meeting agenda and meeting discussions be withheld from public disclosure, pursuant to 10 CFR 2.390, as Duratek considers the concepts to be discussed in the future meeting confidential commercial information. Duratek provided an affidavit, dated April 28, 2005, supporting DPC's request.

The affidavit stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

- The unique decommissioning approach to be discussed is considered confidential information that includes Company trade secrets incorporated into such plans and processes.
- The concepts to be presented during the meeting contain the type of information Duratek regards as protected and of the type not to be disclosed to unauthorized persons.
- The information designated as confidential is not available from public sources.
- Public disclosure of the information would cause substantial harm to the competitive position of Duratek. Since there is no contract as yet to implement the Duratek concept, disclosure of this information may result in the loss of Duratek's commercial opportunity to proceed with this project.
- Duratek could also lose the financial opportunity and business associated with other projects similar in nature.

We have reviewed your affidavit in accordance with the requirements of 10 CFR 2.390 and have held subsequent discussions with DPC and Duratek staff. We understand that if a contract to implement the Duratek concept is placed, subsequent meetings on this concept will be open to the public. On the basis of your statements, we have determined that the submitted

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information, sought to be withheld, contains confidential commercial information and should be withheld from public disclosure. Therefore, the meeting agenda marked as confidential, as well as the discussions in the future meeting, will be withheld from public disclosure pursuant to 10 CFR 2.390(b)(5) and Section 103(b) of the Atomic Energy Act of 1954, as amended. Withholding from public inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the documents.

If the basis for withholding this information from public inspection should change in the future such that the information could then be made available for public inspection, you should promptly notify the NRC. You also should understand that the NRC may have cause to review this determination in the future, for example, if the scope of a Freedom of Information Act request includes your information. In all review situations, if the NRC makes a determination adverse to the above, you will be notified in advance of any public disclosure.

If you have any questions regarding this matter, please contact Kristina Banovac of my staff, at 301-415-5114 or klb@nrc.gov.

Sincerely,

/RA/

Claudia Craig, Section Chief
Reactor Decommissioning Section
Decommissioning Directorate
Division of Waste Management
and Environmental Protection
Office of Nuclear Material Safety
and Safeguards

Docket No.: 50-409

cc: See next page

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La Crosse Boiling Water Reactor

cc:

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